

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- March 23, 1966

Appeal No. 8642 George E. Woodin, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meetings of the Board on March 30 and April 27, 1966.

EFFECTIVE DATE OF ORDER -- June 8, 1966

ORDERED:

That the appeal for a variance from the use provisions of the R-2 District to permit storage of new cars at 911 Tuckerman Street, NW., lot 811, square 2975, be denied and that the petition for a rehearing also be denied.

As a result of an inspection of the property and from the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) An exterior inspection of the property was made on March 21, 1966.

(2) The property comprises a large lot improved with a large frame dwelling house in poor condition, a small shed, and a bungalow.

(3) Appellant's lot is located in an R-2 District.

(4) The lot has a slightly irregular shape, with a north lot line of 90.47 feet, an east line of 216.95 feet, a west lot line of 157.93 feet and a south line of 64.90 feet. The lot contains approximately 11,375 square feet of land.

(5) The property abuts a row of single-family detached homes on the west side of 9th Street.

(6) Within a block of the property, on the east side of Georgia Avenue, the zoning is C-2.

(7) Appellant proposes to lease the land to an automobile dealer for the storage of new and used automobiles.

(8) Appellant claims that the dwelling house would require an expenditure of at least \$3,750.00 to put it in good condition. Such an investment would take nearly three years to recover by way of rental.

(9) The house is now occupied by tenants.

(10) In the request for a rehearing, appellant stated that the property could no longer be used for residential purposes and the proposed use would constitute an asset to the neighborhood.

(11) Neighbors, Inc., opposed the granting of this appeal. In addition, several residents of the area registered opposition. The record contains petitions showing the signatures of 76 persons in the neighborhood who oppose granting of the appeal and four letters from persons living in the 6400 block of 9th Street, which abuts the subject property, objecting to the granting of this appeal.

OPINION:

We are of the opinion that appellant has failed to prove a hardship within the meaning of the variance clause of the Zoning Regulations. It was not established that unusual conditions connected with this property prevent its use for the zoned purpose. In fact, the dwelling house was occupied at the date of inspection by the Board, thus negating any assertion that the property cannot be used for its zoned purpose. We are of the opinion that even if the dwelling house were not occupied, no condition of the lot itself provides any statutory ground for granting a variance.

Although the property is in close proximity to a commercially zoned area, we are further of the opinion that the granting of the requested use variance would substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Moreover, the close proximity to the residentially used property renders the proposed use undesirable.

Inasmuch as the appellant has failed to introduce any evidence that was not offered at the hearing, the Board cannot grant the request for rehearing.
